

EXHIBIT A

Marked Up Version of Replacement Paragraphs of the Specification U.S. Patent Application Serial No. 09/578,827

Matter that has been deleted from the paragraphs is indicated by brackets and matter that has been added to the paragraphs is indicated by double underlining. Matter that was originally underlined in the specification remains singly underlined to distinguish it from matter that has been added.

On page 9, line 9 please amend the paragraph beginning “**Figure 2A-2C.**” as follows:

Figure 2A-2C. Molecular Cloning of the *SHR* Gene. (A) The candidate band of En hybridization cosegregating with the *shr* mutant phenotype is indicated (arrow). A similar size band is found in one of the homozygous wild-type plants (line 52). PCR analysis of the En-*SHR* junction in this line indicated that the similar molecular weight band does not correspond to the band observed in the homozygous mutants. Numbers above the gel lanes indicate individual plants of the segregating population. Molecular size markers are indicated on the left. (B) Alignment of the deduced amino acid sequence of the "VHIID domains" of five functionally characterized GRAS family genes (*Ls*: Schumacher et al., 1999, Proc. Natl. Acad. Sci. USA 96, 290-295 (SEQ ID NO: 5); *GAI*: Peng et al., 1997, Nature 400, 256-261 (SEQ ID NO: 6); *RGA*: Silverstone et al., 1998, Plant Cell 10, 155-169 (SEQ ID NO: 7); *SCR*: Di Laurenzio et al., 1996 Cell 86, 423-433 (SEQ ID NO: 8)). Numbers before the sequence indicate the position of the first amino acid of the alignment in the corresponding position in the proteins. Conserved amino acids are shown in bold. *SHR* (SEQ ID NO: 9) is not highly similar to any other functionally characterized GRAS gene. (C) Mutation sites in *shr* alleles. Note that *shr-4* has a duplication of nucleotide triplets (TAG; underlined) at the En insertion site, while the En insertion in *shr-3* did not result in an alteration of the host sequence. *shr-1*, which has a 50 nucleotide base pair deletion, has a deletion from the threonine at position 408 and includes the cysteine at position 424 of the native SHR sequence. Thus, the remaining sequence is GATGAGTTC....ATGGGAAGAGA.

On page 10, line 13, please amend the paragraph beginning “**Figure 5A-5C.**” as follows:

Figure 5A-5C. *SCR* Expression in *shr* Background. (A) *SCR* RNA accumulation in seedling roots. Northern blot analysis was performed with total RNA from 12-day-old wild-type, *shr-1*, and *shr-2* root tissues hybridized with a *SCR* gene-specific probe. The same blot was hybridized with a *GDH1* (Melo-Oliveira et al., 1996, Proc. [Natl.] Natl. Acad. Sci. USA 93, 4718-4723) gene-specific probe as a loading control. (B and C) Expression of *SCR::GFP* in the primary root. GFP expression in (B) wild-type and (C) *shr-2* seedling roots harboring the *SCR::GFP* transgene indicating that the *shr* mutation results in reduced expression from the *SCR* promoter. Abbreviations as above.

On page 27, line 31, through page 28, line 7, please amend the paragraph beginning “In a specific embodiment of the invention, a polypeptide containing” as follows:

In a specific embodiment of the invention, a polypeptide containing at least 10 (continuous) amino acids of the SHR protein is provided. In other embodiments, the polypeptide may contain at least 20 or 50 amino acids. In specific embodiments, such polypeptides do not contain more than 100, 150 or 200 amino acids. Derivatives or analogs of the polypeptides include, but are not limited to, molecules containing regions that are substantially homologous to the SHR protein or fragments thereof (*e.g.*, in various embodiments, at least 60% or 70% or 80% or 90% or 95% identity over an amino acid sequence of identical size or when compared to an aligned sequence in which the alignment is done by a computer homology program known in the art) or product encoded by a polynucleotide that is capable of hybridizing to a naturally-occurring coding sequence, under highly stringent, moderately stringent, or low stringent conditions. Percent [homolgy] homology may be determined, for example, by comparing sequence information using the BLAST or GAP programs described *supra*.

On page 38, line 32, through page 39, line 18, please amend the paragraph beginning “Additionally, recombinant antibodies” as follows:

Additionally, recombinant antibodies, such as chimeric and humanized monoclonal antibodies, comprising both human and non-human portions, which can be made using standard recombinant DNA techniques, are within the scope of the invention. A chimeric antibody is a molecule in which different portions are derived from different species, such as those having a variable region derived from a murine mAb and a human immunoglobulin constant region. (See, *e.g.*, Cabilly *et al.*, U.S. Patent No. 4,816,567; and

Boss *et al.*, U.S. Patent No. 4,816,397, which are incorporated herein by reference in their entirety.) Humanized antibodies are antibody molecules from non-human species having one or more [complementarily] complementarity determining regions (CDRs) from the non-human species and a framework region from a human immunoglobulin molecule. (See, *e.g.*, Queen, U.S. Patent No. 5,585,089, which is incorporated herein by reference in its entirety.) Such chimeric and humanized monoclonal antibodies can be produced by recombinant DNA techniques known in the art, for example using methods described in PCT Publication No. WO 87/02671; European Patent Application 184,187; European Patent Application 171,496; European Patent Application 173,494; PCT Publication No. WO 86/01533; U.S. Patent No. 4,816,567; European Patent Application 125,023; Better *et al.* (1988) *Science* 240:1041-1043; Liu *et al.* (1987) *Proc. Natl. Acad. Sci. USA* 84:3439-3443; Liu *et al.* (1987) *J. Immunol.* 139:3521-3526; Sun *et al.* (1987) *Proc. Natl. Acad. Sci. USA* 84:214-218; Nishimura *et al.* (1987) *Canc. Res.* 47:999-1005; Wood *et al.* (1985) *Nature* 314:446-449; and Shaw *et al.* (1988) *J. Natl. Cancer Inst.* 80:1553-1559; Morrison (1985) *Science* 229:1202-1207; Oi *et al.* (1986) *Bio/Techniques* 4:214; U.S. Patent 5,225,539; Jones *et al.* (1986) *Nature* 321:552-525; Verhoeven *et al.* (1988) *Science* 239:1534; and Beidler *et al.* (1988) *J. Immunol.* 141:4053-4060.

On page 62, line 9, please amend the paragraph beginning “The segregating population” as follows:

The segregating population representing the progeny of a *shr-3* heterozygote was genotyped based on phenotype and a DNA sample was extracted from the same individuals for Southern analysis. An end fragment (generated with oligos: En7631 5'-GGCTCACATCATGCTAGTCC- 3' (SEQ ID NO: 10) and En8183 5'-GTTGACCGACACTCTTAGCC -3' (SEQ ID NO: 11)) of the En transposon was used as probe. A band present in all mutants was identified in lanes corresponding to EcoRV digested DNA (Fig. 3a). A band with identical segregation pattern in the population was observed with EcoRI digestion. In this case the fragment size was 2.6 kb, indicating that the plant derived part of the sequence was about 200 bp.

On page 62, line 17, please amend the paragraph beginning “The 2.6 kb EcoRI fragment” as follows:

The 2.6 kb EcoRI fragment was isolated from an agarose gel. Inverse PCR was performed (essentially as described by Long et al., 1993, Proc. Natl. Acad. Sci. USA 90, 10370-10374) using En sequences as a basis with primers 5'-TCTATACGAATAAGAGCGTCC-3' (fwd) (SEQ ID NO: 12) and 5'-TATTCGCGTCACAATAGTTCC-3' (rev) (SEQ ID NO: 13). An amplification product of approximately 500 bp was obtained, subcloned into a pCRII vector and sequenced.

On page 63, line 10, please amend the paragraph beginning "The 35S::SHR construct" as follows:

The 35S::SHR construct was made by placing the protein-coding region of *SHR* between the CaMV 35S promoter and the nopaline [synthase] synthase polyadenylation sequence. The SHR-coding region as well as 31 bp from the 3'UTR were first amplified by PCR with the primers 5'-CAGTCGACTAGTCATATGGATACTCTCTTTAGATTA-3' (SEQ ID NO: 14) and 5'-TGTGGAATTGTGAGCCG-3' (SEQ ID NO: 15) using the 2.8-kb [succlone] subclone of the *SHR* genomic region as a template. The former primer removed an Spe I site at codon 7 of *SHR*, while creating new Spe I and Nde I sites around the first ATG. These mutations did not alter the encoded amino acid sequence. The latter primer was designed to anneal to downstream vector sequence in the template subclone. The PCR amplified DNA fragment was cloned into pCR2.1 (Invitrogen) and sequenced. The SHR-coding region was excised as an Spe I fragment and inserted into the Xba I site of plasmid W104. The resulting plasmid was transformed into *Agrobacterium tumefaciens* (LBA4404) and used to transform wild-type *Arabidopsis* plants (Col) by the floral dipping method (Clough and Bent, 1998, Plant J. 16, 735-743).

On page 63, line 26, through page 64, line 3, please amend the paragraph beginning "Histochemical analysis using" as follows:

Histochemical analysis using monoclonal antibodies (JIM13 and CCRC-M2 antibodies) was performed essentially as described (Di Laurenzio et al., 1996, Cell 86, 423-433). For the construction of the *SHR* promoter:: β -glucuronidase (GUS) marker gene line, the 2.5 kb region upstream of the *SHR* translational start site was amplified by PCR using the primers: 5'-CGGGATCCAGAAGCAGAGCGTGGGGTTTC-3' (fwd) (SEQ ID NO: 16) and 5'-CGGGATCCTTTTAATGAATAAGAAAATG-3' (rev) (SEQ ID NO: 17) (GGATCC BamHI site). The 2.5 kb PCR fragment was inserted into the pCR 2.1 vector using the TA

cloning kit (Invitrogen) and, after BamHI digestion, it was subcloned into the BamHI site upstream of the GUS coding region in pBI101 (Clontech). This binary vector was used to generate transgenic plants as described above. T1 seeds were collected in separate pools and transgenic plants were selected by planting on media containing kanamycin (50 μ g/ml). GUS staining of the *SHR::GUS* line was performed as described previously (Malamy and Benfey, 1997, Development 124, 33-44). In situ hybridization analysis was performed essentially as described in Di Laurenzio et al. (1996), Cell 86, 423-433.



EXHIBIT B

Marked Up Version of the Amended Claims

U.S. Patent Application Serial No. 09/578,827

Matter that has been added to the claims is indicated by double-underlining.

2 (Amended). The isolated nucleic acid molecule of claim 1, wherein said short-root protein comprises the amino acid sequence of SEQ ID NO:2.

6 (Amended). A recombinant vector comprising the nucleic acid molecule of claim 5.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/578,927 05/24/00 BENFEY P 5914-078-999

027310 HM12/0606
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7100 N.W. 62ND AVENUE
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EXAMINER

COLLINS, C

ART UNIT

PAPER NUMBER

1638

DATE MAILED:

06/06/01

REFERRED TO
REC'D

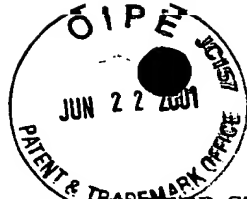
JUN 18 2001

Fennie & Edmonds
O.K. for filing

Seq Listing due 7/16/01 w/

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Philip N. BENFEY *et al.*

Serial No.: 09/578,827

Art Unit: 1632

Filed: May 24, 2000

Examiner: Unassigned

For: SHORT-ROOT GENE, PROMOTER,
AND USES THEREOF

Attorney Docket No.: 5914-078-999

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

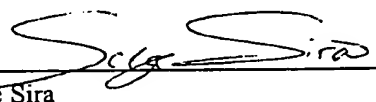
Sir:

In response to the Notice to File Missing Parts of Application, mailed August 7, 2000, a copy of which is attached, Applicants herewith submit the filing fee, believed to be \$345.00; the additional claims fees of \$864.00; along with the executed forms by Applicants. Also submitted for recordation on even date herewith are the Assignment documents for the above-identified application to New York University, executed by the inventors Philip N. Benfey, Yrjo Helariutta and Hidehiro and Kieji Nakajima, and the Oath or Declaration surcharge of \$65.00, for a total of \$1,274.00. Applicants qualify as a small entity. A *Verified Statement Claiming Small Entity Status* is being concurrently submitted.

Please charge the required fees, believed to total \$1,274.00 to Pennie and Edmonds LLP's Deposit Account no. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date December 15, 2000


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FORMALITIES LETTER



OC00000005301587

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Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/578,827	05/24/2000	Philip N. Benfey	5914-078-999

20583
 PENNIE AND EDMONDS
 1155 AVENUE OF THE AMERICAS
 NEW YORK, NY 100362711

Date Mailed: 08/07/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$864.
 - \$162 for 9 total claims over 20.
 - \$702 for 9 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1684.

*A copy of this notice **MUST** be returned with the reply.*

Nlu

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 PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Philip N. BENFEY *et al.*

Application No.: 09/578,827

Group Art Unit: 1632

Filed: May 24, 2000

Examiner: Not yet assigned

For: SHORT-ROOT GENE, PROMOTER AND USES Att'y Docket No.: 7853-078
THEREOF

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Assistant Commissioner of Patents
Box Missing Parts
Washington, D.C. 20231

Sir:

It is respectfully requested that the time for Response to the Notice to File Missing Parts mailed August 7, 2000, 2000, be extended for a period of three months from October 7, 2000 to and including January 7, 2001.

The fee for this extension is estimated to be \$445.00. Please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date December 15, 2000

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P.02

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**DECLARATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

SHORT-ROOT GENE, PROMOTER, AND USES THEREOF

and for which a patent application:

is attached hereto and includes amendment(s) filed on *(if applicable)*☐ was filed in the United States on May 24, 2000 as Application No. 09/578,827 *(for declaration not accompanying application)*with amendment(s) filed on *(if applicable)*☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Bcrj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrio (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

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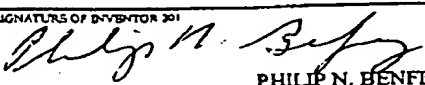
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE 12/17/2000	DATE	DATE
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

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206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
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	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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DATE	DATE	DATE 11/10/00
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

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	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012	
202	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland		
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320	
203	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan		
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007	
204	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan		
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	

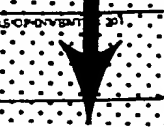
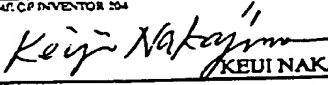
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

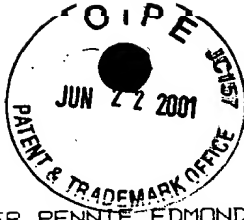
SIGNATURE OF INVENTOR 201 PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE NOVEMBER 10, 2000	DATE NOVEMBER 10, 2000	DATE
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

SEND CORRESPONDENCE TO:			PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Benfey	FIRST NAME Philip	MIDDLE NAME N.		
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.		
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012	
202	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland		
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320	
203	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan		
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007	
204	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan		
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003	
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME		
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP		
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204  KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE 11/8/00	DATE	DATE



OCT 11 2000 10:08 FR PENNIE EDMONDS

TO 12122638189

P.04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: BENFEY et al.
☐ Patent of:

☒ Application No.: 09/578,827
☐ Patent No.:

Group Art Unit: Not Yet Assigned

☒ Filed: May 24, 2000
☐ Issued:

Examiner: Not Yet Assigned

For: SHORT-ROOT GENE, PROMOTER, AND USES Attorney Docket No.: 5914-078-999
THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization NEW YORK UNIVERSITY

Address of organization 70 Washington Square South
New York, New York 10012

Type of organization

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America

(Name of state _____)

(Citation of statute _____)

- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.

- ☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America

(Name of state _____)

(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SHROT-ROOT GENE, PROMOTER, AND USES THEREOF by inventor(s) Philip N. Benfey, Yrjo Helariutta, Hidehiro Fukaki, Keiji Nakajima described in

- ☐ the specification filed herewith
☒ application no. 09/578,827 filed May 24, 2000
☐ patent no. _____ issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Philip N. Benfey

ADDRESS 3 Washington Square Village, Apt. 6A

New York, NY 10012

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Yrjo Helariutta

ADDRESS Oskelantie 8 A 5

Helinski Finland, FIN-00320

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Hidehiro Fukaki

ADDRESS Syouyoudai 4-26-12-201

Nara JAPAN 631-0007

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Keiji Nakajima

ADDRESS 14 Washington Place, Apt. 7K

New York, NY 10003

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006

Direct Telephone calls to:
PENNIE & EDMONDS LLP
(202) 496-4400

Name of person signing _____

Title of person other than owner _____

Address of person signing New York University Medical Center

550 First Avenue

New York, NY 10016

Signature _____

Date _____

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in **SHORT-ROOT GENE, PROMOTER, AND USES THEREOF** for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

☒ which is identified by Pennie & Edmonds LLP docket no. 5914-078-999
☒ which was filed on May 24, 2000, Application No. 09/578,827

and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

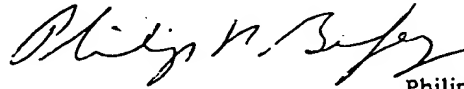
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2000 L.S.



Philip Benfey

State of _____ }
 County of _____ } SS.:

In the State of New York, county of Bronx, on Dec. 14, before me, Cesar A. Grullon Notary Public, personally appeared Philip Benfey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

CESAR A. GRULLON
 NOTARY PUBLIC, State of New York
 No. 01GR6012008
 Qualified in Bronx County
 Commission Expires Aug 17 2007



JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in SHORT-ROOT GENE, PROMOTER, AND USES THEREOF for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

☒ which is identified by Pennie & Edmonds LLP docket no. 5914-078-999
☒ which was filed on May 24, 2000, Application No. 09/578,827

and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2000 L.S.

Philip Benfey

State of _____)
 County of _____) SS.:

In the State of _____, county of _____, on _____, before me, _____, Notary Public, personally appeared Philip Benfey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

OCT 11 2000 20:09 FR PENNIE EDMONDS

TO 12122638189

P.07

Date , 2000

L.S.

Yrjo Helariutta

State of)
County of) SS.:

On , 2000, before me, , Notary Public,
personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date 11/10, 2000

L.S.

Hidehiro Fukaki

Hidehiro Fukaki

State of New York)
County of New York) SS.:

On November 10, 2000, before me, A, Notary Public,
personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Maureen Valenti

MAUREEN VALENTI
Notary Public, State of New York
No. 01VA504085
Qualified in Kings County
Commission Expires July 15, 192001

Date , 2000

L.S.

Keiji Nakajima

State of)
County of) SS.:

On , 2000, before me, , Notary Public,
personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date NOVEMBER 22, 2000 L.S.

Yrjo Helariutta

State of Finland)
County of Helsinki) SS.:*Yrjo Helariutta*

On 22nd of November, 2000, before me, Peter Oljemark, Notary Public, personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal


PETER OLJEMARK
 Notary Public


Date _____, 2000 L.S.

Hidehiro Fukaki

State of _____)
County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date _____, 2000 L.S.

Keiji Nakajima

State of _____)
County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

OCT 11 2000 20:09 FR PENNIE EDMONDS

TO 12122638189

P.07

Date _____, 2000

L.S.

Yrjo Helariutta

State of _____ }
County of _____ } SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date _____, 2000

L.S.

Hidehiro Fukaki

State of _____ }
County of _____ } SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Keiji Nakajima

Date November 8, 2000

L.S.

Keiji Nakajima

State of New York
County of New York SS.:

On November 8, 2000, before me, A, Notary Public, personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Maureen Valenti

MAUREEN VALENTI
Notary Public, State of New York
No. 01VA504085
Qualified in Kings County
Commission Expires July 15, 192001